



Sen. Kirk W. Dillard

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LRB095 10670 JAM 34412 a

1 AMENDMENT TO SENATE BILL 417

2 AMENDMENT NO. _____. Amend Senate Bill 417, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Election Code is amended by adding Section
6 1-15 as follows:

7 (10 ILCS 5/1-15 new)

8 Sec. 1-15. Sex offenders. Notwithstanding any other
9 provision of this Code to the contrary, an otherwise qualified
10 elector subject to the registration requirement of the Sex
11 Offender Registration Act whose assigned polling place is in a
12 school must vote by absentee ballot or early voting ballot. A
13 person subject to the registration requirement of the Sex
14 Offender Registration Act who enters a polling place located in
15 a school commits a Class 4 felony.

16 Thirty days before an election day, the State Board of

1 Elections shall send a letter by U.S. mail to the principal
2 office of each election authority, and an identical message by
3 electronic mail to the address listed for each election
4 authority on the State Board of Elections' website, that (i)
5 informs the election authority that persons subject to the
6 registration requirement of the Sex Offender Registration Act
7 may not vote in a polling place located in a school and (ii)
8 informs the election authority of the address of the Illinois
9 Sex Offender Registration Information website maintained by
10 the Illinois State Police and the instructions for printing
11 from that website a list of persons registered under the Sex
12 Offender Registration Act in each precinct with a polling place
13 located in a school in that election authority's jurisdiction.

14 Each election authority shall distribute to the election
15 judges of a polling place located in a school at least one copy
16 of the list of persons registered in that precinct under the
17 Sex Offender Registration Act as found on the Illinois Sex
18 Offender Registration Information website maintained by the
19 Illinois State Police. An election judge who becomes aware of a
20 person who enters a polling place in violation of this Section
21 shall promptly notify the local law enforcement authority.

22 Section 10. The Criminal Code of 1961 is amended by
23 changing Section 11-9.3 as follows:

24 (720 ILCS 5/11-9.3)

1 Sec. 11-9.3. Presence within school zone by child sex
2 offenders prohibited.

3 (a) It is unlawful for a child sex offender to knowingly be
4 present in any school building, on real property comprising any
5 school, or in any conveyance owned, leased, or contracted by a
6 school to transport students to or from school or a school
7 related activity when persons under the age of 18 are present
8 in the building, on the grounds or in the conveyance, unless
9 the offender is a parent or guardian of a student attending the
10 school and the parent or guardian is: (i) attending a
11 conference at the school with school personnel to discuss the
12 progress of his or her child academically or socially, (ii)
13 participating in child review conferences in which evaluation
14 and placement decisions may be made with respect to his or her
15 child regarding special education services, or (iii) attending
16 conferences to discuss other student issues concerning his or
17 her child such as retention and promotion and notifies the
18 principal of the school of his or her presence at the school or
19 unless the offender has permission to be present from the
20 superintendent or the school board or in the case of a private
21 school from the principal. In the case of a public school, if
22 permission is granted, the superintendent or school board
23 president must inform the principal of the school where the sex
24 offender will be present. Notification includes the nature of
25 the sex offender's visit and the hours in which the sex
26 offender will be present in the school. The sex offender is

1 responsible for notifying the principal's office when he or she
2 arrives on school property and when he or she departs from
3 school property. If the sex offender is to be present in the
4 vicinity of children, the sex offender has the duty to remain
5 under the direct supervision of a school official. A child sex
6 offender who violates this provision is guilty of a Class 4
7 felony.

8 ~~Nothing in this Section shall be construed to infringe upon~~
9 ~~the constitutional right of a child sex offender to be present~~
10 ~~in a school building that is used as a polling place for the~~
11 ~~purpose of voting.~~

12 ~~(1) (Blank; or)~~

13 ~~(2) (Blank.)~~

14 (b) It is unlawful for a child sex offender to knowingly
15 loiter within 500 feet of a school building or real property
16 comprising any school while persons under the age of 18 are
17 present in the building or on the grounds, unless the offender
18 is a parent or guardian of a student attending the school and
19 the parent or guardian is: (i) attending a conference at the
20 school with school personnel to discuss the progress of his or
21 her child academically or socially, (ii) participating in child
22 review conferences in which evaluation and placement decisions
23 may be made with respect to his or her child regarding special
24 education services, or (iii) attending conferences to discuss
25 other student issues concerning his or her child such as
26 retention and promotion and notifies the principal of the

1 school of his or her presence at the school or has permission
2 to be present from the superintendent or the school board or in
3 the case of a private school from the principal. In the case of
4 a public school, if permission is granted, the superintendent
5 or school board president must inform the principal of the
6 school where the sex offender will be present. Notification
7 includes the nature of the sex offender's visit and the hours
8 in which the sex offender will be present in the school. The
9 sex offender is responsible for notifying the principal's
10 office when he or she arrives on school property and when he or
11 she departs from school property. If the sex offender is to be
12 present in the vicinity of children, the sex offender has the
13 duty to remain under the direct supervision of a school
14 official. A child sex offender who violates this provision is
15 guilty of a Class 4 felony.

16 ~~(1) (Blank; or)~~

17 ~~(2) (Blank.)~~

18 (b-5) It is unlawful for a child sex offender to knowingly
19 reside within 500 feet of a school building or the real
20 property comprising any school that persons under the age of 18
21 attend. Nothing in this subsection (b-5) prohibits a child sex
22 offender from residing within 500 feet of a school building or
23 the real property comprising any school that persons under 18
24 attend if the property is owned by the child sex offender and
25 was purchased before the effective date of this amendatory Act
26 of the 91st General Assembly.

1 (c) Definitions. In this Section:

2 (1) "Child sex offender" means any person who:

3 (i) has been charged under Illinois law, or any
4 substantially similar federal law or law of another
5 state, with a sex offense set forth in paragraph (2) of
6 this subsection (c) or the attempt to commit an
7 included sex offense, and:

8 (A) is convicted of such offense or an attempt
9 to commit such offense; or

10 (B) is found not guilty by reason of insanity
11 of such offense or an attempt to commit such
12 offense; or

13 (C) is found not guilty by reason of insanity
14 pursuant to subsection (c) of Section 104-25 of the
15 Code of Criminal Procedure of 1963 of such offense
16 or an attempt to commit such offense; or

17 (D) is the subject of a finding not resulting
18 in an acquittal at a hearing conducted pursuant to
19 subsection (a) of Section 104-25 of the Code of
20 Criminal Procedure of 1963 for the alleged
21 commission or attempted commission of such
22 offense; or

23 (E) is found not guilty by reason of insanity
24 following a hearing conducted pursuant to a
25 federal law or the law of another state
26 substantially similar to subsection (c) of Section

1 104-25 of the Code of Criminal Procedure of 1963 of
2 such offense or of the attempted commission of such
3 offense; or

4 (F) is the subject of a finding not resulting
5 in an acquittal at a hearing conducted pursuant to
6 a federal law or the law of another state
7 substantially similar to subsection (a) of Section
8 104-25 of the Code of Criminal Procedure of 1963
9 for the alleged violation or attempted commission
10 of such offense; or

11 (ii) is certified as a sexually dangerous person
12 pursuant to the Illinois Sexually Dangerous Persons
13 Act, or any substantially similar federal law or the
14 law of another state, when any conduct giving rise to
15 such certification is committed or attempted against a
16 person less than 18 years of age; or

17 (iii) is subject to the provisions of Section 2 of
18 the Interstate Agreements on Sexually Dangerous
19 Persons Act.

20 Convictions that result from or are connected with the
21 same act, or result from offenses committed at the same
22 time, shall be counted for the purpose of this Section as
23 one conviction. Any conviction set aside pursuant to law is
24 not a conviction for purposes of this Section.

25 (2) Except as otherwise provided in paragraph (2.5),
26 "sex offense" means:

1 (i) A violation of any of the following Sections of
2 the Criminal Code of 1961: 10-7 (aiding and abetting
3 child abduction under Section 10-5(b)(10)),
4 10-5(b)(10) (child luring), 11-6 (indecent
5 solicitation of a child), 11-6.5 (indecent
6 solicitation of an adult), 11-9 (public indecency when
7 committed in a school, on the real property comprising
8 a school, or on a conveyance, owned, leased, or
9 contracted by a school to transport students to or from
10 school or a school related activity), 11-9.1 (sexual
11 exploitation of a child), 11-15.1 (soliciting for a
12 juvenile prostitute), 11-17.1 (keeping a place of
13 juvenile prostitution), 11-18.1 (patronizing a
14 juvenile prostitute), 11-19.1 (juvenile pimping),
15 11-19.2 (exploitation of a child), 11-20.1 (child
16 pornography), 11-21 (harmful material), 12-14.1
17 (predatory criminal sexual assault of a child), 12-33
18 (ritualized abuse of a child), 11-20 (obscenity) (when
19 that offense was committed in any school, on real
20 property comprising any school, in any conveyance
21 owned, leased, or contracted by a school to transport
22 students to or from school or a school related
23 activity). An attempt to commit any of these offenses.

24 (ii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age: 12-13 (criminal sexual

1 assault), 12-14 (aggravated criminal sexual assault),
2 12-15 (criminal sexual abuse), 12-16 (aggravated
3 criminal sexual abuse). An attempt to commit any of
4 these offenses.

5 (iii) A violation of any of the following Sections
6 of the Criminal Code of 1961, when the victim is a
7 person under 18 years of age and the defendant is not a
8 parent of the victim:

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint).

13 An attempt to commit any of these offenses.

14 (iv) A violation of any former law of this State
15 substantially equivalent to any offense listed in
16 clause (2)(i) of subsection (c) of this Section.

17 (2.5) For the purposes of subsection (b-5) only, a sex
18 offense means:

19 (i) A violation of any of the following Sections of
20 the Criminal Code of 1961:

21 10-5(b)(10) (child luring), 10-7 (aiding and
22 abetting child abduction under Section
23 10-5(b)(10)), 11-6 (indecent solicitation of a
24 child), 11-6.5 (indecent solicitation of an
25 adult), 11-15.1 (soliciting for a juvenile
26 prostitute), 11-17.1 (keeping a place of juvenile

1 prostitution), 11-18.1 (patronizing a juvenile
2 prostitute), 11-19.1 (juvenile pimping), 11-19.2
3 (exploitation of a child), 11-20.1 (child
4 pornography), 12-14.1 (predatory criminal sexual
5 assault of a child), or 12-33 (ritualized abuse of
6 a child). An attempt to commit any of these
7 offenses.

8 (ii) A violation of any of the following Sections
9 of the Criminal Code of 1961, when the victim is a
10 person under 18 years of age: 12-13 (criminal sexual
11 assault), 12-14 (aggravated criminal sexual assault),
12 12-16 (aggravated criminal sexual abuse), and
13 subsection (a) of Section 12-15 (criminal sexual
14 abuse). An attempt to commit any of these offenses.

15 (iii) A violation of any of the following Sections
16 of the Criminal Code of 1961, when the victim is a
17 person under 18 years of age and the defendant is not a
18 parent of the victim:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State
25 substantially equivalent to any offense listed in this
26 paragraph (2.5) of this subsection.

1 (3) A conviction for an offense of federal law or the
2 law of another state that is substantially equivalent to
3 any offense listed in paragraph (2) of subsection (c) of
4 this Section shall constitute a conviction for the purpose
5 of this Article. A finding or adjudication as a sexually
6 dangerous person under any federal law or law of another
7 state that is substantially equivalent to the Sexually
8 Dangerous Persons Act shall constitute an adjudication for
9 the purposes of this Section.

10 (4) "School" means a public or private pre-school,
11 elementary, or secondary school.

12 (5) "Loiter" means:

13 (i) Standing, sitting idly, whether or not the
14 person is in a vehicle or remaining in or around school
15 property.

16 (ii) Standing, sitting idly, whether or not the
17 person is in a vehicle or remaining in or around school
18 property, for the purpose of committing or attempting
19 to commit a sex offense.

20 (iii) Entering or remaining in a building in or
21 around school property, other than the offender's
22 residence.

23 (6) "School official" means the principal, a teacher,
24 or any other certified employee of the school, the
25 superintendent of schools or a member of the school board.

26 (d) Sentence. A person who violates this Section is guilty

1 of a Class 4 felony.

2 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;

3 94-170, eff. 7-11-05; revised 9-15-06.)".